

Staff Summary Report



Council Meeting Date: 09/26/02

Agenda Item Number: 33

SUBJECT: This is the second public hearing for Platinum Ink for a use permit for a tattoo parlor and body piercing business at Michael's Plaza at 3330 South Price Road, Suite D-106.

DOCUMENT NAME: 20020926dsrh06

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold the second public hearing for **PLATINUM INK** (Michael's Plaza, LLC, property owners; Fernando Moreno, business owner) requesting a use permit for a 1,475 s.f. tattoo parlor business, located at 3330 South Price Road, Suite D-106. The following is requested from the City of Tempe:

q-j

#SGF-2002.60 A use permit for Platinum Ink, a tattoo parlor business located within the Michael's Plaza, located at 3330 South Price Road, Suite D-106, including the following:

Use Permit

Allow a 1,475 s.f. tattoo parlor business in the PCC-1 Zoning District.

PREPARED BY: DeeDee (D²) Kimbrell, Planner II (480-350-8331)

REVIEWED BY: Steve Venker, Planning & Zoning Manager (480-350-8331)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval
Public –Opposition and Support

ADDITIONAL INFO: The applicant's intent is to offer the most up-to-date sterilization process and product to their clients ("young college type" between the ages of 18-26). Based on similar businesses in other locations within the PCC-1 Zoning District, staff supports this request and believes the applicant should be given the opportunity to prove they can be compatible with their neighbors. However, staff is recommending a 1-year time frame for further review. One neighbor spoke in opposition at the Planning Commission meeting on August 27, 2002. The Planning Commission approved this request by a 5-1 vote. Staff has received a few phone calls from neighbors expressing concerns regarding this proposal and a petition from the neighbors was submitted to staff at the Commission meeting. **Note: The first public hearing for this request was held on September 12, 2002.**

- ATTACHMENTS:**
1. List of Attachments
 2. History & Facts / Description
 3. Comments / Reasons for Approval / Conditions of Approval
-
- A. Location Map
 - B. Plan of Development/Site Plan
 - C. Floor Plan(s) – Shops “D” and Suite D-106
 - D. Letter of Explanation/Intent
 - E. Letter(s) of Support
 - F. Petition – Letter(s) of Opposition

HISTORY & FACTS:

- January 9, 1975. City Council approved a rezoning from R1-6 to PCC-1 and a General Plan of Development for this location.
- June 23, 1977. City Council approved a Final Plan of Development for Picadilly Cafeteria, subject to 4 conditions.
- April 1, 1983. City Council approved a Final Plan of Development for First Interstate Bank.
- January 15, 1987. City Council denied the request of Malibu Square to allow a third access point between the site and Picadilly Cafeteria.
- February 11, 1988. City Council approved the request by Naturally Women Fitness Centers for an Amended General and Final Plan of Development for Malibu Square consisting of 71,229 s.f. on 7.8 net acres for a use permit to allow a 12,000 s.f. athletic club in the PCC-1 Zoning District.
- May 12, 1988. City Council approved the request by Barry/Mayfair Joint Venture for an Amended General and Final Plan of Development to include a new day care center play area for Malibu Square.
- October 18, 1988. The Hearing Officer approved the request for parking and landscape variances due to the right-of-way acquisitions by Arizona Department of Transportation (ADOT).
- July 6, 1995. City Council approved the request by Plum Creek Ranch for an Amended Final Plan of Development consisting of 14,111 s.f. on 2.52 net acres for a use permit to allow entertainment as an accessory use to a restaurant in the PCC-1 Zoning District located at 3300 South Price Road.
- November 19, 1998. City Council approved the request by Run of the Mill Steakhouse for a use permit time extension and change of business ownership located at 3300 South Price Road.
- June 6, 2002. City Council approved the appeal of the Planning & Zoning Commission Denial for Nita's Hideaway for an Amended General and Final Plan of Development for a 14,250 s.f. bar on 2.5 net acres located at 3300 South Price Road. Including the following:
1. Use permit to allow a 14,250 s.f. bar with live entertainment in the PCC-1 Zoning District.
 2. Variance to reduce the minimum required parking from 285 to 190.
- August 27, 2002. Planning Commission approved the request by Platinum Ink for a use permit for a tattoo and body piercing parlor in a 1,475 s.f. leased space, located at 3330 South Price Road in the Michael's Plaza Shopping Center. (5-1 vote)
- September 12, 2002. City Council held their first public hearing for this request.

DESCRIPTION: Owner – Michael's Plaza LLC, M.C. Strauss Company, Bruce Smiley
Applicant – Fernando Moreno
Existing zoning – PCC-1
Total site area – 7.8 net acres
Total bldg. area for center – 79,870 s.f.
Proposed leased area – 1,475 s.f.
Parking required for center – 384 spaces
Parking required for leased area (Platinum Ink) – 6 spaces
Total parking provided for center – 457 spaces

Use Permit

Allow a 1,475 s.f. tattoo parlor business in the PCC-1 Zoning District.

COMMENTS: The applicant is requesting a use permit to allow a tattoo and body-piercing parlor in a 1,475 s.f. leased space, located at 3330 South Price Road in the Michael's Plaza Shopping Center. The parlor will have four tattoo artists all having over five years of experience in their professional field. The applicant's intent is to set a new standard in the tattoo and piercing industry. They plan on accomplishing this by offering the most up-to-date sterilization process and product to their clients. The business owner states that they are targeting the "young college type" between the ages of 18-26. Proposed business hours are Noon to 9:00 p.m., Monday through Wednesday, Noon to 10:00 p.m. Thursday through Saturday, and Noon to 6:00 p.m. on Sunday.

Based on similar businesses in other locations within the PCC-1 Zoning District, staff does not believe that the proposed use would be detrimental to adjacent businesses and property owners or contribute to a significant increase in vehicular traffic. Therefore, staff supports this request and believes the applicant should be given the opportunity to prove they can be compatible with their neighbors. However, staff is recommending a 1-year time frame for further review. This recommendation is consistent with previous recommendations for similar businesses. One neighbor spoke in opposition at the Planning Commission meeting on August 27, 2002. The Planning Commission approved this request by a 5-1 vote. Staff has received a few phone calls from neighbors expressing concerns regarding this proposal and a petition from the neighbors was submitted to staff at the Commission meeting.

REASON(S) FOR

APPROVAL:

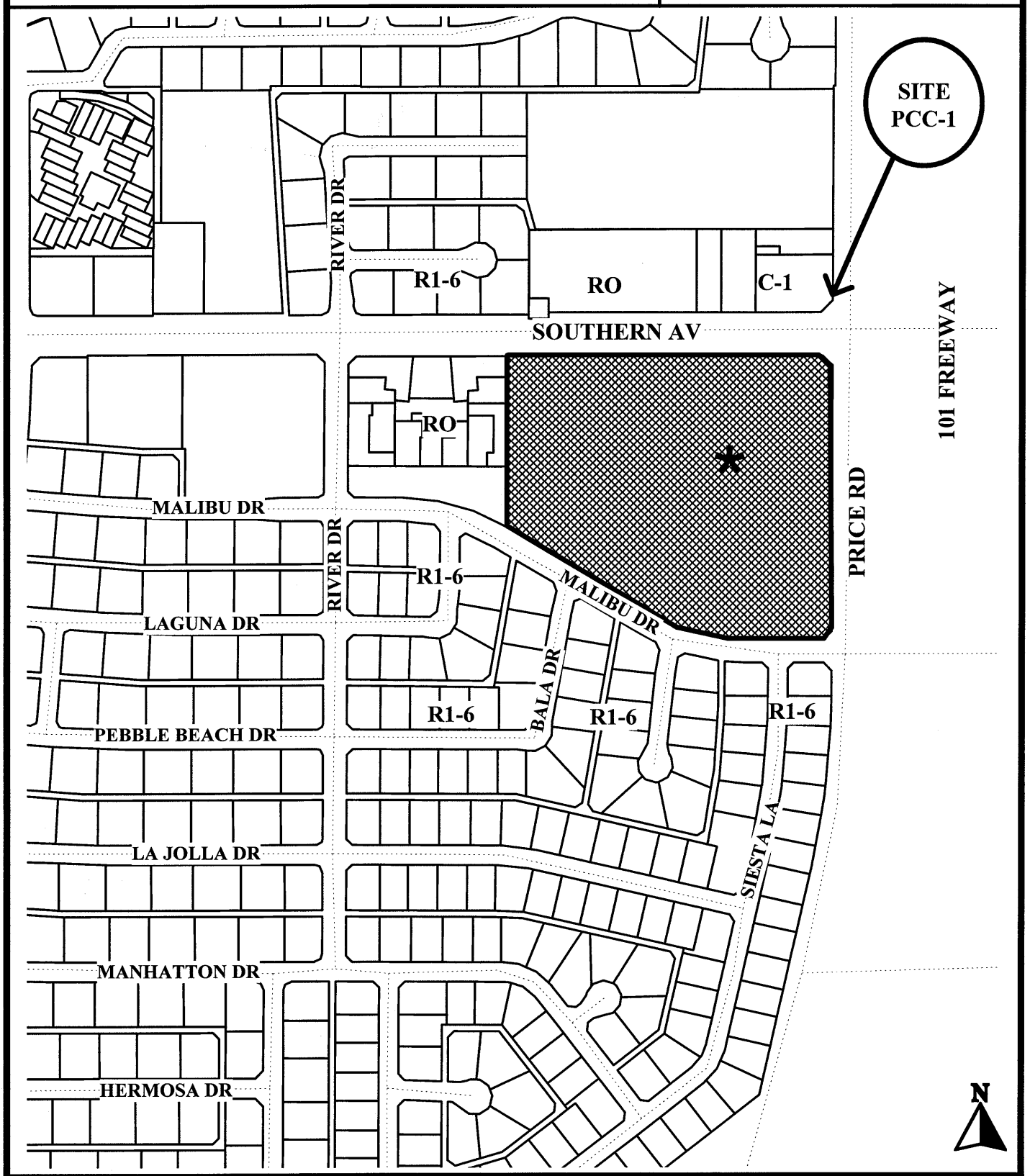
1. The proposed use permit does not appear to be detrimental to adjacent business and property owners.
2. A one year review period will enable the business owner to establish a reputable track record.

**CONDITION(S)
OF APPROVAL:**

1. The use permit is non-transferable and is issued to the current owner(s) of Platinum Ink only.
2. **On or prior to September 26, 2003**, the applicant shall return to the City Council for a review of compliance with the conditions of approval.
3. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
4. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.
5. Hours of operation are limited to Noon to 9:00 p.m., Monday through Wednesday, Noon to 10:00 p.m. Thursday through Saturday, and Noon to 6:00 p.m. on Sunday.

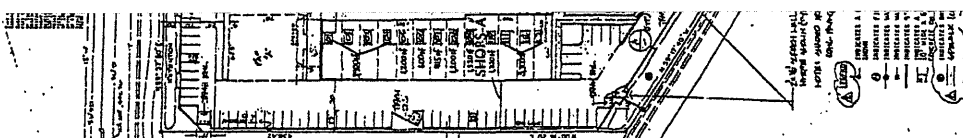
PLATINUM INK

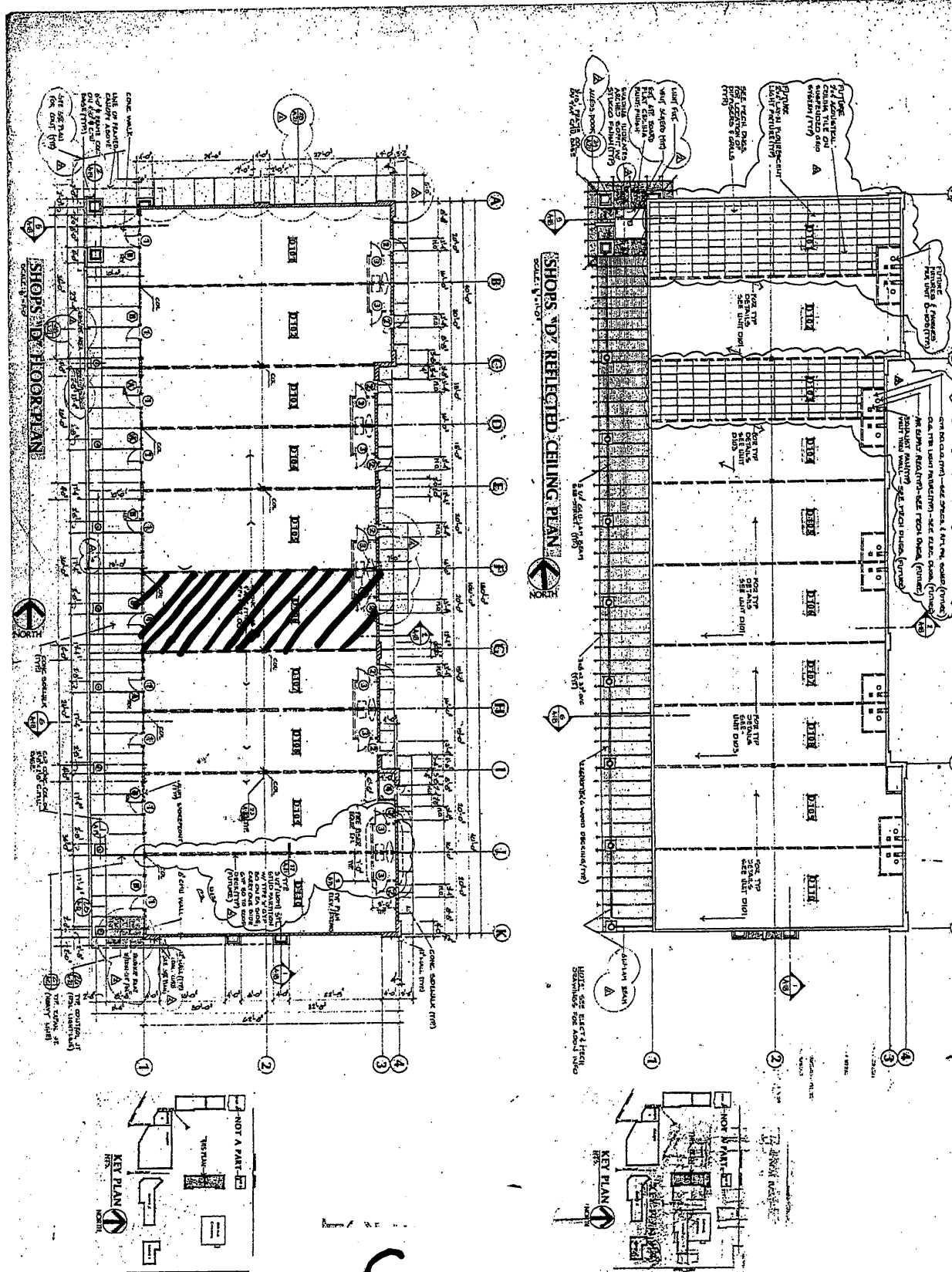
SGF-2002.60

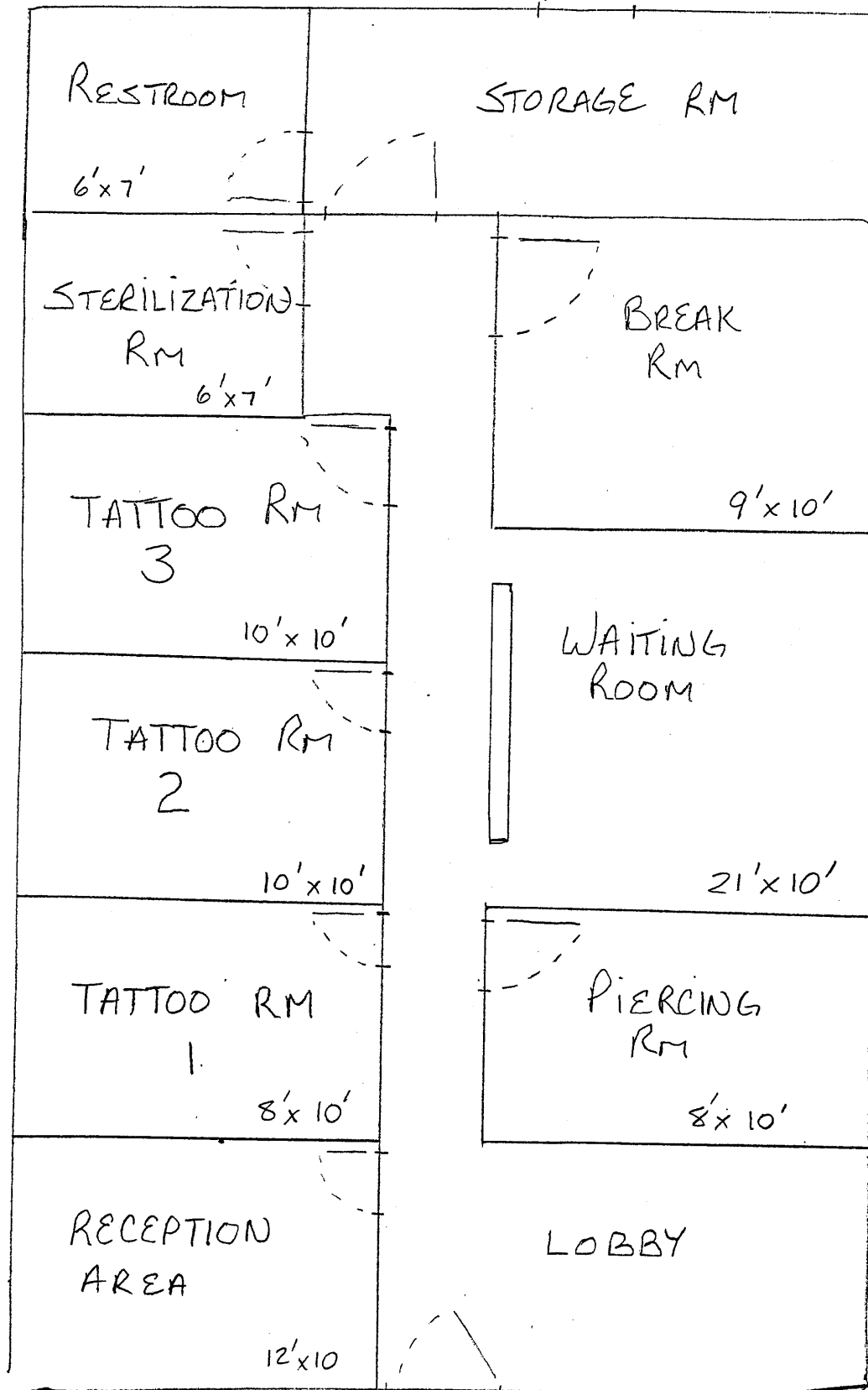


Location Map

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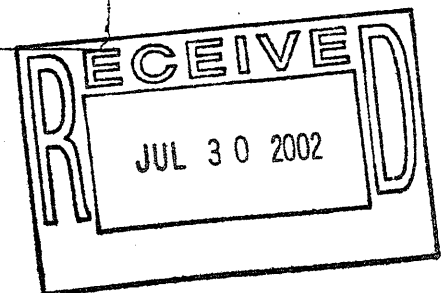






ALL MEASUREMENTS
ARE APPROX.

SUITE D-106
FLOOR PLAN
C.



Platinum Ink

May 22, 2002

PO Box 5002 31 E. 5th St.
Tempe, AZ 85282

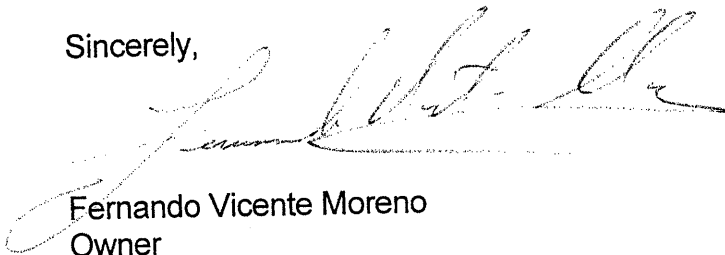
To whom it may concern:

The intent or planned use for the address 3330 S. Price Rd. D-106 Tempe, AZ 85282 is a Tattoo & Piercing parlor. The shop will have four tattoo artists all having over five years experience in their professional field.

The objective of the shop is to set a new standard in the Tattoo & Piercing industry. We plan to do this by offering the most up-to-date sterilization process and products to our clients. We also wanted to have a different type of clientele, more of the young college type in between the ages of 18-26.

Through marketing and unsurpassed experience, we think we will exceed the competition in every aspect, which thus will set a higher standard.

Sincerely,



Fernando Vicente Moreno
Owner

D

To whom it may concern.

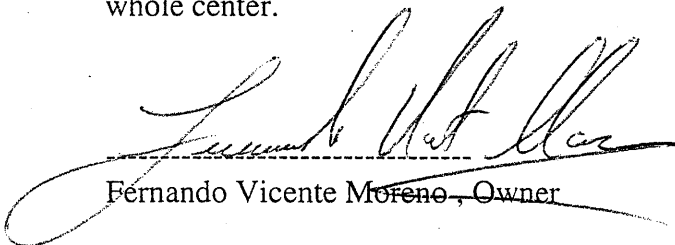
The operation of Platinum Ink tattoo will be as follows. The potential client will walk in to our shop and will be greeted by the counter girl that will ask them if they need any help. Then she will call the supervising tattoo artist out so that he can help them pick, or answer any questions that the client may have. After the client has picked out the tattoo or piercing the artist will go thru the process with the client from start to finish. Then they will be required to show a picture ID and sign a liability wavier. After the tattoo or piercing is complete the artist will give the client an aftercare brochure and one of his cards.

The shop will have three full time tattoo and piercing artist on hand all having over seven years experience. For the safety of the client the shop will require that all the major safety precautions be taken such as the artists will all be required to get tested for hepatitis B and sterilize the working area after and before every client. The shop as invested in the best sterilization equipment such as an autoclave and ultrasonic machine.

The hours of operation will be as follows.

Sun.	Noon-6pm
Mon.	Noon-9pm
Tues.	Noon-9pm
Wed.	Noon-9pm
Thurs.	Noon-10pm
Friday.	Noon-10pm
Saturday.	Noon-10pm

Having Platinum Ink at 3330 s price road will be a great asset, do to the increase in customers for all the shops that will intern increase the profitability for all the shops and making the value of the surrounding areas go up as well. We will have strict policy on the activity outside and always maintain the up most for safety and professionalism for the whole center.


Fernando Vicente Moreno, Owner



DI

Platinum Ink

TATTOO

I acknowledge by signing this agreement that I have been given full opportunity to ask all questions which I have about obtaining a tattoo from Platinum Ink and that all of my questions have been answered satisfactorily. I also acknowledge that I have been advised of and agree with all words printed below.

- (A) I am not a hemophiliac (bleeder) I do not have diabetes, epilepsy, hepatitis, HIV, AIDS, or any communicable diseases. I am not under the influence of drugs or alcohol. I do not have any physical, mental, or medical impairment, which may affect my ability to make an informed decision about obtaining this tattoo.
- (B) I accept the risk of any allergic reaction to the pigments used in my tattoo.
- (C) I accept the risk of any infection that may result from obtaining and/or healing of my tattoo.
- (D) I realize variations in color and design may exist between any tattoo I select and the completed tattoo on my body.
- (E) A tattoo is a permanent change to my appearance. No representations have been made regarding the ability to later remove my tattoo.
- (F) I have truthfully represented that I am 18 years old or older. It is my choice without encouragement or duress to consent to any actions necessary for the application of my tattoo.
- (G) I agree to release and forever discharge and hold harmless Platinum Ink and it's representatives from any and all claims, damages, or legal actions arising from or connected in any way with my tattoo or the procedures and conduct used to apply my tattoo.

PLEASE PRINT Date _____ Artist _____
Name _____ Phone _____
Address _____
City _____ State _____ Zip _____ Date of Birth _____
Method of payment Cash _____ Check _____ Visa/MC _____ Total Amount _____
Tattoo design _____ Signature _____

PLACE PHOTO ID HERE

Artist Signature _____

Owner Signature _____

Fernando Vicente Morano

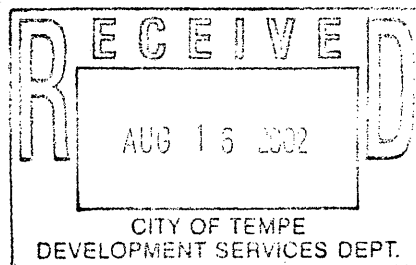


D2

S U I T S 4 U

August 14, 2002

City of Tempe (planning & zoning)



Dear Sir or Madam:

This letter is to inform the planning board of Tempe that I do support the opening of Platinum Ink Tattoo. I think that they will help business in a positive way, and intern help the overall economic growth of Tempe. I the owner of Suits 4U do support them, and hope you can support them to.

Sincerely,

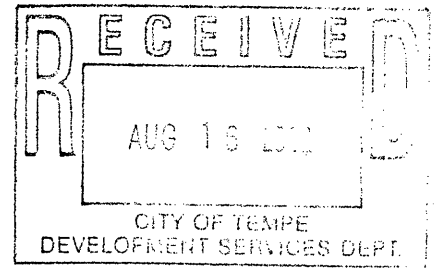
Bob Combs

Bob Combs
Owner

E

SUPPORT LETTER FOR PLATINUM INK

August 16, 2002



City of Tempe (planning & zoning)

Dear Sir or Madam:

This letter is to inform the planning board of Tempe that I do support the opening of Platinum Ink Tattoo. I think that they will help business in a positive way, and intern help the overall economic growth of Tempe. I the manager do support them, and hope you can support them to.

Sincerely,

Nichole Stephens

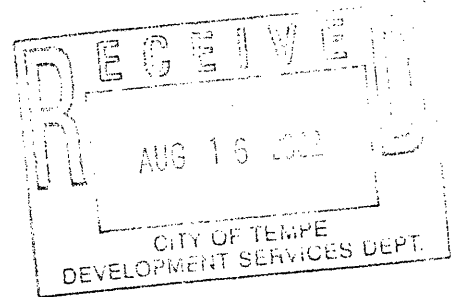
Dilly's Deli

E,

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Sincerely,

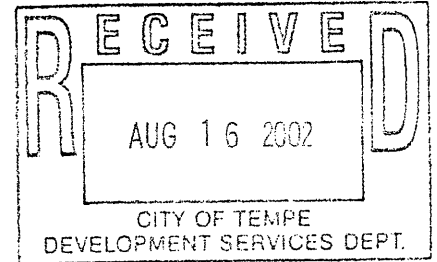
Katy Dain

Naturally Women Fitness Center

E2

SUPPORT LETTER FOR PLATINUM INK

August 16, 2002



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This letter is to inform the planning board of Tempe that I do support the opening of Platinum Ink Tattoo. I think that they will help business in a positive way, and intern help the overall economic growth of Tempe. I the manager do support them, and hope you can support them to.

Sincerely,

Stephanie McGowan
candid wedding Photographers

E3

August 26, 2002

City of Tempe Planning & Zoning Commission
City of Tempe City Council
31 East Fifth Street
Tempe, AZ 85280

RE: Zoning Case #SGF-2002.60
Platinum Ink

To the Members of the Planning & Zoning Commission and City Council:

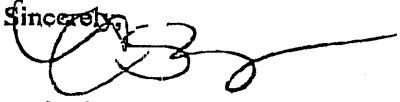
My name is Catherine Thuringer, and I am writing in protest of the use permit request for Platinum Ink, a tattoo parlor business, proposed for the Michael's Plaza located at 3300 South Price Road. My protest is based on the following sentiments:

- 1) I do not feel this use is appropriate for the center given the proximity of residential housing, churches and schools. It is not a use that is accretive to the shopping center or to the quality of life of the surrounding neighborhood.
- 2) Per City planning staff, operating hours for this business are Monday-Wednesday 12:00 noon to 9:00 p.m., Thursday-Saturday 12:00 noon to 10:00 p.m. and Sunday from 12:00 noon to 6:00 p.m. The City Council recently approved a use permit and parking variance for Nita's Hideaway based, in large part, on the fact that operating hours of current and future tenants' of Michael's Plaza would not overlap Nita's hours of operation thereby creating a greater demand on parking than what was presented by Nita's proponents. Allowing a use permit for Platinum Ink, with overlapping hours of operation, will further serve to put a strain on the parking for Michael's Plaza.
- 3) The business is currently in operation (and has been since at least August 10, 2002) illegally. This shows a lack of regard for the legal processes established by the City of Tempe to regulate uses in zoning districts.

It is clear that Tempe does not have the benefit of opportunistic "sprawl" evident with other Valley communities. Preservation of its existing neighborhoods should be of paramount importance to the City of Tempe to insure a "shoring-up" of its residential tax base, as well as stopping the flight of existing and future homeowners to other areas of the Valley that are perceived as more insulated and of a higher quality.

I urge you to deny the use permit for Platinum Ink. It's a small step in the preservation of neighborhoods such as ours, but certainly one in the right direction.

Sincerely,


Catherine Thuringer
2116 East Laguna Drive
Tempe, AZ 85282

SEP 19 2002

F

TO: Tempe City Council
Tempe Planning and Zoning

Date: August 26, 2002

FR: Pat Hune

RE: Zoning Variance for 3300 S Price Road

My name is Pat Hune and I live at 2024 E Laguna Drive, Tempe, AZ. I am writing to protest the zoning variance for the use permit to allow a Tattoo Parlor, Platinum Ink, in the PCC1 zoning district, Case #SGF-2002.60 located at 3330 South Price Road. My concerns with the request are:

- This proposed establishment is not conducive to this neighborhood. It does not fit with the other business that are currently in operation in the shopping center.
- The proposed application located within the close vicinity of family housing. It would be a detriment to the "Quality of Life" that the neighbors have the right to enjoy.
- There is not enough parking for this establishment. The tattoo parlor will employ four full-time "technicians". This means up to four customers could be at the parlor at any given time for a total of 8 parking spaces potentially utilized. Hours of operation as stated in the application are as follows:
Mon - Wed 12:00 noon to 9:00 p.m.
Thu - Sat 12:00 noon to 10:00 p.m.
Sun 12:00 noon to 6:00 p.m.

The City Council has already agreed to reduce parking spaces from 285 to 190 to accommodate Nita's Hideaway, a 600 to 700-person concert venue. This was based on the fact that the other businesses in the center do not need their spaces at 9PM or later during Nita's prime operating hours noted at various council meetings. To allow a business with later hours to enter the center would be in violation of the logic used by the Tempe City Council to approve the parking variance for Nita's Hideaway.

- This business will not be a good neighbor. They are currently operating illegally as their zoning variance has not been heard. They continue to operate even though the city has contacted them and asked them to stop until the hearing has been held.

Please deny this request.

Sincerely,



Pat Hune

SEP 19 2002

F.

PETITION

This Petition is to protest the use permit to allow a Tattoo Parlor, Platinum Ink, in the PCC1 zoning district, Case #SGF-2002.60 located at 3330 South Price Road. This matter is scheduled for consideration at the City of Tempe Planning and Zoning at 7:00PM and the City of Tempe Council Meeting at 7:30 P.M. on Tuesday, August 27, 2002 at the Council Chambers, 31 East Fifth Street, Tempe City Hall. The following are a few of the concerns the undersigned has with this request:

- This proposed establishment is not conducive to this neighborhood.
- The proposed application located within the close vicinity of family housing. It would be a detriment to the "Quality of Life" that the neighbors have the right to enjoy.
- The following signatures are in protest to the use permit to allow a Tattoo Parlor in this shopping center and request denial of such permit.

NAME

ADDRESS

1. Kathy Paulsen Kathy Paulsen 3411 S. Siesta Lane Tempe 85282
2. Dallas Paulsen Dallas Paulsen 3411 S. Siesta Ln. Tempe 85282
3. Gladys Williams Gladys Williams 3417 So. Siesta Ln Tempe 85282
4. ANDA McAFEE Anda McAfee 1613 Diamond Dr. Tempe 85283
5. Susan Gerner Susan K. Gerner 1211 W. Alamo Dr. Chandler 85224
6. body Topping Jody Topping 1828 E. Hermosa Dr. Tempe 85282
7. Sandra Consiglio Sandra J. Consiglio 2722 W. Nopal Circle Mesa 85205
8. Susana Marquez Susana Marquez 2604 S. Rita Lane, Tempe - AZ 85282
9. Janice Thies Janice Thies 3521 S. Oak Tempe 85282
10. MARIETTA PALMER Marietta Palmer 3915 S Butte Tempe 85282
11. Jean Weber Jean Weber 823 W. Kilauea Ave Mesa 85205
12. Nguyen Kim Tho NGUYEN KIM THO 3513 S Siesta Ln Tempe 85282
13. PHAN DINH HAO Phan Dinh HAO 3513 S. Siesta Ln Tempe 85282
14. GARY DEAL WILKINSON Gary Deal Wilk 2129 E. MANITATTON DR.
15. GUIDO TILKAN Guido Tilk 3955 S. JESSA

8/10/2002

SEP 19 2002

F₂

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NAME

ADDRESS

1. Thomas Grey Denton Thomas G. Denton 3514 S. Siesta Ln Tempe, Az 85282
2. MICHAEL BARRA Michael C. Barra 3811 S Siestal Ln Tempe 85282
3. Jeremy J. Stepp Jeremy Stepp 12 E. Cairo Dr. Tempe 85282
4. Margaret Brinlee Margaret Brinlee 3405 S. Siesta Tempe 85282
5. Don Brinke Don Brinke 3405 S. Siesta ^{Tempe} 85282
6. Walter D. Williams Walter D. Williams 3417 S. Siesta Ln ^{Tempe} 85282
7. Mark Voshkurva Mark Voshkurva 3520 S. Siestal Lane ^{Tempe AZ 85282}
8. Claudia Watters CLARENCE WATTERS 3412 So. SIESTA LANE ^{TEMPE AZ}
9. Carol Watters CAROL WATTERS 3412 So. SIESTA LANE ^{TEMPE AZ}
10. Maria Denton Maria Denton 3514 S Siesta Ln ^{Tempe, Az. 85282}
11. Theresa Kernan-Paulson Theresa Kernan-Paulson 1839 E. Fremont Dr. ^{Tempe AZ 85282}
12. Kipp D. Crowl Kipp D. Crowl 3418 S. Siesta Ln ^{Tempe Az 85282}
13. Heather N Crowl Heather N Crowl 3418 S Siesta Ln Tempe AZ 85282
14. Pat Hune Pat Hune 2024 E. Hoagline Dr. Tempe 85282
15. _____

8/10/2002

F₃

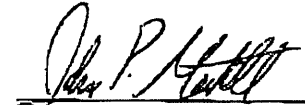

SEP 19 2002

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- The following signatures are in protest to the use permit to allow a Tattoo Parlor in this shopping center and request denial of such permit.

NAME**ADDRESS**

1.  JOHN P. MARTELL 2116 E. LAGUNA DRIVE TEMPE AZ 85282
2.  Cathy Thuringer 2116 E. Laguna Drive Tempe 85282
3. _____
4. _____
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8/10/2002

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SEP 19 2002